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SUTHERLIN CASE AGAIN.

THE WORK OF IMPANNELLING A JURY BEGUN TODAY.

One hundred good and true men were in waiting to answer questions put to them by the attorneys representing both the State and the defense.

For the second time William Sutherland will be called upon to face a jury of his peers and answer to the charge of murder. This case excited wide attention at the former trial, and from a legal standpoint was one of the hardest fought trials that ever took place in Marshall county. Sutherland was found guilty of murdering his friend, E. B. Fetter, in Starke county, and burying his body under the carcass of a mule. The firm of Martindale and Stevens defended Sutherland, and the State was represented by L. M. Lauer of this city. Prosecutor Bernetha, of Rochester, and Attorney Sies, and Glazebrook of Starke county. Sutherland was found guilty of murder and given a life sentence in the penitentiary. The attorneys for the defense took an appeal to the supreme court and a new trial was ordered. The coming trial promises to be more exciting than the former one. This afternoon was taken up in getting a jury, and as we go to press the attorneys are still at work.

TUESDAY.

A crowded court room, the weather any thing but pleasant, hundreds of people from abroad in the city, all anxious to look upon the faces of the twelve men selected by the state and defense to well and truly try the case, wherein William Sutherland stands charged with the murder of W. E. B. Fetter. This is the indictment charged against him. He pleads not guilty. The State of Indiana says that he is guilty and that the same will be proven beyond a reasonable doubt. Every point in the law and evidence will be closely scrutinized by the attorneys, and nothing will be left undone by either side. The preliminary skirmish by lawyers in a criminal case is something that is always closely observed by the public for as a rule the public forms an opinion as to which side has the best of the case. If the defense lacks something, the people are not slow to observe it, and the same can be said of the State.

But as the case now stands, both sides will be ably represented and the people in attendance will be well paid daily drinking in the sensational testimony which will be presented during the trial. The defense claims to have new and important evidence to present, and the state claims the same. If this proves to be true, the outcome of the trial can not even be surmised.

The fact that Sutherland has been granted a new trial causes many people to think that he will be acquitted, while there are many who conscientiously believe that the severest penalty will be meted out to him.

The following gentlemen were chosen to well and truly try the case:

William Luty, Inwood; John Haight, Inwood; Jacob Sarber, Center Tp.; J. Pickrel, Argos; —Nash, Polk Tp.; Daniel Lemier, Bourbon Tp.; Jacob Grace, Tippecanoe Tp.; —Allerdine, Tippecanoe Tp.; August Mensel, German Tp.; James Reddick, Bourbon Tp.; Phillip Ewald, German Tp.; William Keyser, German Tp.

This afternoon the prosecution arraigned Wm. Sutherland, the defendant and Mr. Sutherland waived the arraignment, pleading "Not Guilty." All the witnesses were ordered from the court room, the jury sworn in and at five minutes past two o'clock the noted murder case was again on trial. Prosecutor Bernetha explained to the jury that the state charged Wm. Sutherland with murdering Ed Fetter, reading the three charges in the indictment. An explanation as to the whereabouts of the murder and the murdered body followed.

The prosecution claimed that Fetter had inherited a small interest in his mother's estate. The evidence will show that on the 16th day of Nov. 1896 Sutherland and Fetter were together in Knox on a traveling expedition. Fetter while in Knox exhibited a large roll of money. Sutherland bought a pint of whiskey and explained that he did not have the money with him to pay for it. Sutherland and Fetter left Knox together late in the evening. Neighbors near the election school house heard two or three shots fired and loud cries of pain. During the night Sutherland came to the house of Mr. Roher and purchased an old worn out mule for five dollars. He killed the mule, skinned

him, and put the body in a grave on the top of the body of Fetter. Sutherland was seen after the murder driving the horses of Fetter.

Fetter's hat was found near the spot of the murder by school children and Sutherland drove to school house and got the hat, put it on his head, with the remark that it was a hat of a good fit. Sutherland afterward claimed that he had a deed for property of Fetter and later had same recorded.

Att'y Stevens then stated that the defense would postpone its statement to the jury until after the state has examined its witnesses.

WEDNESDAY.

The Sutherland trial is now on in full blast and old Knox county is well nigh depopulated. For many of the inhabitants of Knox county this trial has afforded an opportunity never within their grasp but once before—and that opportunity to mingle with actual human beings where the "ker chugs" of swamp frogs, the cat calls of "hell gramites" and the blood sucking mosquitoes do not molest them during their hours of slumber.

"Aunt Lizza" known throughout the length and breadth of the county, who boasts that she has licked, cudgelled, spanked and done the "walk Spanish" act to every specimen of the "genus homo" that has drawn his childish breath within a radius of ten miles of her domicile is one of the witnesses in this trial and if we are rightly informed, she will have a goodly supply of "finger heads" in her hip pocket to bruise where she said she spanked in earlier years. "Aunt Lizza" is one of those reliable specimens of woman kind that could keep a secret over night all right—if she were asleep. She might not be considered a talkative woman. She is ordinarily as mum as an oyster—as mum as the oyster that keeps a "stomach ache" in encouraging spirits. She is not a woman that will poke her nose in to other people's business, unless she thinks that there is something she ought to know. She does not pretend to know the family secrets of any body outside of Knox county. "Aunt Lizza" is a charming character, not a cherub that would intoxicate a Plymouth youth under fifty nor is she a "cricket on the hearth." She comes here from Knox county to give important testimony in an important case and whatever may be her eccentricities and her experiences it is evident that she will do her duty as well as if she had never spanked a Plymouth attorney.

Howard Chaplin, the county surveyor, of Knox, was the first witness for the state. He is a bright intellectual young man. The worst that can be said about him is that he comes from Knox. It is likely however, that he has but recently settled among the natives. At any rate he did not exhibit that punctured appearance that would be expected of a man who has spent a whole life among the crickets and mosquitoes. Mr. Chaplin stated that he is acquainted with the country about the election school house. Att'y Stevens in the cross-examination had the witness illustrate the exact lay of the country near the Election school house and the trend of the highways thereabouts. Witness testified that the section near the school house is the most densely populated portion of the township, and that there are no house along the highway for three-quarters of a mile in the river bottom. He said that the distance from the school houses to where the body was found is about three miles, and that Taz Mitchell lived from twenty to forty rods from the place where it is claimed that Fetter was killed. He also said that there are twelve houses within a half mile of the place where Fetter is said to have been killed.

Chas. Londen, of Knox, was the second witness. He is an interesting character, a native of Sweden and speaks in broken English. It was evident that he could keep his "shirt on" breaking a stumpy piece of new ground easier than he could while sitting on the witness stand. He believes in having his say and the blood rushes to his head when the lawyers interfere with him. He testified that he had known Fetter about 18 years. He saw Fetter Monday Nov. 15, 1896 on Main street in Knox, in the evening shortly before sun down. Fetter told him that he was going home that night and that Sutherland was standing near Fetter at the time. The defense sought to make a point out of the fact that witness could give no reason for knowing that it was Nov. 16, 1896, when he had this conversation with Fetter but the final effect of this effort proved a feather for the prosecution.

All witnesses present were sworn this morning after which Willis Saver took the stand. He is a mason, residing in Knox. He testified that he saw Sutherland in Knox about the middle of November 1896. He looked at body

and said he thought body to be that of men seen with Sutherland in Knox. Fetter had a roll of bills in his purse while at the blacksmith shop of Mr. Plumber. On cross-examination it was brought out that witness had not testified at former trial. He didn't testify at other trial because he did not want to be a witness. He had never seen Fetter before the day in question but had seen Sutherland. Witness did not think that Sutherland saw the money. The cross-examination took considerable time trying to get witness to give reasons for thinking that he had seen Fetter in the month of November. He saw body after it was brought to Knox. It was partially decomposed, part of the hair and mustache having slipped from the skin. His face was bruised. He was certain that Fetter had on a cap on the day in question. Witness identified the photograph of Fetter, saying that the face resembled the man very much but the clothes were different.

B. Fetter, a brother of Ed Fetter, then gave testimony as to the weight and height of Ed Fetter. His father at his death left something of an estate. When the mother died her third of the original estate was divided between the three children. This was in 1895. Ed had no disposition to quarrel. On cross-examination he stated that the trouble between witness and his brother was on account of Ed being cruel to their mother; that Ed had repeatedly abused her and that she had run from the house repeatedly because he had threatened to kill her; that he had tried to force his mother to sign certain notes with him. This evidence given on cross-examination was a surprise to the state as it was not brought out at the former trial. It will be used by the defense to show that his death might have been caused by blows in self defense.

Thomas Patrick, the Knox undertaker stated that a body was brought to his place Dec. 11, '96, said body being claimed to be that of Ed Fetter. Body was 5 feet, 8 inches tall. Thought weight about 120 pounds. Complexion light; mustache sandy. Wounds indicated that he had been shot in the head and also struck with some instrument. Body had on coat, pants, drawers, shirt and shoes. He removed them and wrapped them up. They were afterward turned over to the sheriff. Clothing was produced in court and witness identified it. On cross-examination, witness stated that he discovered no blood on the clothes. The body was kept 22 hours and interred in the Knox cemetery. It was not decomposed though the skin slipped and there was a very bad smell. He discovered clotted blood on the left temple.

The afternoon session opened with standing room at a premium. Wm. Plumber, a common laborer of Knox testified that he knew both Sutherland and Fetter and saw them Nov. 16, 1896 in Knox. Told about asking them to take breakfast with him but they chose to eat a lunch at the restaurant. They said they were there trying to buy some peats. They were at his shop about 11 o'clock and went to dinner with him. Fetter said that one horse belonged to him and one to Sutherland. Fetter refused to take supper, stating that they would have to start home. Witness saw Sutherland on Tuesday the day after the murder in Knox. He asked Sutherland where Fetter was and he said that he had driven him out as far as the election school house and he went home by himself. He saw blood on the box of the wagon afterward. Witness saw the body when brought to Knox and recognized it as Edward Fetter. He testified that Fetter wore a kind of corduroy cap, and an overcoat. Thought the overcoat produced in court resembled the one that Fetter wore. Defense on cross-examination sought to impeach Saver's testimony by this witness but witness verified Saver's statement that he was present at the blacksmith shop at the time claimed by Saver.

E. H. Mow, of Royal Center, testified that he formerly resided in Plymouth. He had known Ed Fetter and had employed him. He saw the body of Fetter in Knox and identified it as Fetter. There was a scar on Fetter's face which scar was also on face of the body.

L. H. Vanscoik, of Plymouth, stated that he knew Ed Fetter, and that he employed him. He saw the body and identified it as the body of Ed Fetter.

Mr. Vanscoik was positive that body was that of Ed Fetter. John Broden, of Knox, stated that he saw Sutherland about the 16th of November in his saloon. Sutherland got a half pint of whiskey that evening. He said he would pay for it the next time he came in. This was about 5 o'clock in the evening. Witness saw Fetter have quite a roll of money in the morn-

ing and a deed that he changed a five dollar bill for him.

THURSDAY.

The saloon keeper and his bar tender had their say and told all they knew about Sutherland and Fetter during their short visit to their saloon in Knox on Nov. 16, 1896. Both were positive that Fetter had a roll of money and paid for the drinks.

Mr. Borden, the proprietor is a man past the meridian of life and to all appearances endeavored to be a fair witness. By these two witnesses the state experts to prove beyond a reasonable doubt that he displayed this money in the presence of Sutherland. That all bills were paid by Fetter. Reynolds, the bar tender did not see Sutherland spend any money, and that Sutherland and Fetter left the saloon together, and Sutherland said they were going to Plymouth.

Mr. Woodworth is the intelligent farmer, and the "King Bee" of the neighborhood where the alleged murder was said to have taken place. He told his story in a plain forward manner. When the names of Grace Primley and Taz Mitchell were mentioned the audience leaned forward expecting to hear something on the sensational order, but in this they were disappointed, and Taz and Grace will be heard from later on.

The lawyers for the defense, Messrs. Martindale & Stevens are on the alert, and the skillful manner in which they are conducting the defense is being freely commented on.

John Borden testified. Saw no money in purse, but saw roll of bills, saw Fetter take roll of money from his pocket. Don't know the denomination of the bills. Fetter bought two drinks of whiskey. Fetter drank one and Sutherland the other, changed a \$5 bill for Fetter giving back \$4.80 in change which Fetter placed in his right hand pocket. I did not testify at the preliminary trial in Knox. Didn't know Fetter well enough to call him by name. I am acquainted with Enoch Mow. Saw Fetter at lively barn, also saw him at the buckleberry marsh, could not describe the clothing worn by Fetter.

Reynolds, bar tender for Borden testified that he knew Sutherland and Fetter. Saw both of them in Knox, Nov. 16th, 1896. They came into saloon and Sutherland asked Fetter to take a drink. Fetter refused, said he didn't want to drink, noticed peculiar mark on overcoat of Fetter, would recognize coat if shown to me. (Coat was produced and identified by witness.) Cross-examined: Sutherland and Fetter came into saloon between 7 and 8 o'clock, both took a drink and Sutherland paid the bill. Sutherland was in the saloon next day. Sutherland didn't introduce me to Fetter, didn't see him again. They drove a small sorrel pony, and a brown horse. The pony was on the "off side," pony was blemished on left side and I refused to buy him for that reason.

E. Woodworth testified. Live in Starke county, live east of election school house about 74 rods, I was at home on the night of Nov. 16th. Heard loud noise and quarrelling in the direction of school house, heard four shots fired and loud talk, I was standing in front of my house, it was between 8 and 9 o'clock did not investigate the cause of the shooting, remember when the grave was opened. I heard there was a pool of blood in the road but did not see it. Cross-examined by Mr. Stevens. The witness stated that Grace Primley was his adopted daughter and lived with him Nov. 16th 1896. She was at home on that night, but had left the house with her two children shortly before the shooting. She returned in one hour bringing with her a pair of rubber boots. Taz Mitchell was not at my house that night. The noise at the school house continued six or seven minutes, heard several voices, thought it was a drunken row.

Dr. Glazebrook a Knox physician, testified that he examined the body at the undertakers. Thought it about 5 feet 8 inches high, medium size. His description as to the condition of the corpse was practically the same as that of former witness. Flesh slipped from the bones very readily. Thought the wound had been inflicted by a blunt instrument. His evidence went to show that he had been shot in the head the bullet starting in at side of face and coursing upwards through the skull. He thought the wounds were inflicted before death, and that they would cause death. The defense in cross-examination sought to prove by the witness in the light of his knowledge from the text books that no physician can tell whether or not a wound is produced before or after death. Attorney Stevens who conducted the cross-examination of this witness had acquainted himself with the knowledge of expert surgery and his questions

were such as to show him aptly able to prove the exact knowledge of the witness as to the human anatomy. He proved by the witness that none of the wounds on the head, outside the gun shot wound produced death of themselves. If death resulted, it would be caused by inflammation and blood poisoning afterwards.

Cyrus Calloway, of Knox, stated that he conducted a grocery and restaurant during 1896. He knew Ed Fetter and Wm. Sutherland. He remembered seeing Fetter three or four weeks before the body was brought to the undertakers. Fetter ate supper at his place at time he saw him. He paid for supper producing a five dollar bill which witness changed. Fetter had a roll of bills and said that the five dollar bill was the smallest he had. Fetter and Sutherland got in wagon together and drove away, Fetter said he was not well and was going home. He saw the body and identified it as Ed Fetter. He saw Sutherland the next day after they drove out of town. On cross-examination, witness stated that he could neither read or write and that he had been married twice. Att'y Martindale went after the witness vigorously provoking an interesting repartee on the part of the witness.

Witness said that Fetter did not have roll of money in a purse. Fetter did have a purse containing silver. A strong effort was made here to impeach Saver's testimony who said that Fetter had a roll of bills in a purse. Witness did not give testimony at the preliminary trial at Knox that Fetter had a roll of money. He said he was not asked that question.

Mr. Surplus, deputy Marshal of Knox met Sutherland on Nov. 16 '96. He saw Sutherland and another man drive out of Knox in the evening.

The afternoon session opened with Jurymen Sarber minus a beard, having taken advantage of the noon recess to improve his appearance.

Frank Gross was the first witness. He is acquainted with Sutherland and saw him Knox Nov. 16, '96.

At this instance Mrs. Sutherland and their little daughter entered the court room. The prisoner took the little girl on his lap and she watched the proceedings that are determine the fate of her father.

Dr. Stitch, a Knox dentist, was ready to testify that Sutherland viewed the body and stated that body was that of Fetter. But as Sutherland was in handcuffs and in charge of the sheriff at the time, the defense claimed that this recognition on Sutherland's part was manifested under duress. The court refused to submit this evidence to the jury for the time being, reserving his decision until he consulted certain authorities. Dr. Stitch was then temporarily excused.

Washington Beaver, testified that on the evening of Nov. 16, '96, he was at home after being in bed some time, he heard shooting, three shots and following that a cry of pain. He resides three quarters of a mile of the election school house.

Taz Mitchell came to him and told him there had been blood found near the Election school house. It was two weeks until he got this information.

Taz Mitchell a resident of Knox, but formerly a resident near the Election school house in Nov. 1896. He heard the shooting and following on night of Nov. 16 '96. Thought the shots were fired southeast of the school house. He saw a place a short distance southeast of the school house where it looked like there had been some smouldering. On cross-examination, he stated that shooting occurred between 8 and 9 o'clock. It is not unusual to hear shooting in that vicinity. He thought it was caused by boys going to a dance. He heard no cries of any one in pain. He testified that he and Dan Roar were arrested and placed in jail charged with murder. He had been cutting wood Nov. 16 '96. Grace Primley was helping him shove a cross cut saw. Witness could read very little and this aggravated the attorneys for the defense some in getting salient facts before the jury.

Married.

At the residence of Ed S. Hogarth, North Center street, last night at 8 o'clock, Mr. Charlie Soice and Miss Nellie Tabor were joined in wedlock. Rev. Raymond, of the Episcopal church officiating. Only the immediate friends of the contracting parties were present. After the ceremony the happy couple left for the home of the brides parents 3 miles south of Plymouth. A number of the young folks in this city went down and gave them an old time "belling." A splendid supper was served and the serenading party were elegantly entertained. Charlie Soice is one of our best young men and the young lady who has chosen for a life partner, is known to all for her many good qualities. The Independent extends congratulations.

Lawrence Linkenbelt Surprised.

The happiest man in Plymouth Thursday night was Lawrence Linkenbelt. The cause of all this was brought about by his many friends. Yesterday was Mr. Linkenbelt's 53rd birthday, and the friends of his youth, who played hide and seek with him thirty years ago planned a big surprise and it was carried out to perfection. Almost every business man in Plymouth showed up in front of the When grocery, awaiting the signal from Andy Molter, Manager of Molters band. In a few minutes the band boys appeared on the side walk. They played one of their best selections, and at a given signal the line of march was taken for the Linkenbelt residence on Garro street. Lawrence was found sitting in the old arm chair, thinking over the days of long ago, when he was aroused from his meditations by the sweet strains from the Molter band on the front porch. Soon Mr. Linkenbelt was besieged by his old friends who grasped his hand and congratulated him on his 53rd birthday.

Lawrence was too full for utterance and by a silent motion acknowledged his surprise and meekly surrendered. The party took possession of his spacious residence and made themselves at home. Speeches were made by the following gentlemen, Dr. Reynolds, Hon. H. G. Thayer, Lige Martindale, Prof. R. A. Chase, Prof. W. E. Bailey, Dr. Knott, Sam Parker, Joe Swindle, Dan McDonald, James A. Gilmore, Charlie Leonard, Andy Molter and others. Dr. Reynolds recited that old familiar poem of "Hide and Seek," which brought tears from Lawrence's eyes. Reynolds was never happier than he was last night, and his little game of "Hide and Seek" made all the old times boys again. Mr. Thayer spoke of the long business career of Mr. Linkenbelt, and while they were competitors in business he rejoiced in the fact that they had always been friends, and that their friendship would continue so long as the lamp of life continued to burn. Daniel McDonald spoke feelingly, and reminded all present that he was there to congratulate Mr. Linkenbelt on his good luck in reaching his 53rd birthday, after years of physical pain. Molters band discoursed sweet music, and we can truthfully assert that the music rendered by them last night was never excelled in Plymouth. It was an occasion long to be remembered and one that certainly will always be cherished by Lawrence as one of the happiest birthdays that he ever spent.

Mr. Linkenbelt received a number of letters from absent friends, congratulating him on his 53rd anniversary, and regretting the fact they could not be present. No man in Plymouth has more personal friends than Lawrence Linkenbelt. He has been an invalid for years, but his long business career and sterling integrity cannot be overlooked and the earnest desire of those present last night was that he will live long and continue to improve in health.

Aaron Greenwald Surprised. Aaron Greenwald was 62 years old yesterday and in consequence of this event Mrs. Greenwald perpetrated a complete surprise on her husband. Mr. Greenwald served his country faithfully during the late civil war and is a member of the G. A. R. post in this city. He has been employed as freight agent of the Pittsburg in this city for a good many years and when he returned to his home on Sophia street last evening at 6 o'clock he found that a score of his Grand Army comrades had taken possession of his home and his capture was easily effected. He meekly surrendered and threw himself at the mercy of the boys but declared that he would get even with his wife for the part she had taken. A splendid supper was served which would be hard to excel and to which all present did ample justice. Among the number present we note the following.

Capt. Amasa Johnson Co. D. 9th Ind., Washington Kelley Quarter Master Co. D. 9th Ind., Major Wm. Kendall 73rd Ind., C. L. Morris Co. C. 83rd Ill., B. C. Southworth 142nd Ill., Charles Reynolds Co. G. 142nd Ill., Elijah Emerson 58th Ind., D. L. Dickson 31st Mass., John C. Kuhn Co. D. 32nd Ind., W. E. Bailey 9th Ill. Cavalry, W. H. Love Co. 1, 58th Ind., Aaron Greenwald 10th Penn.

Mr. Kelley was the oldest comrade present, his age being 67. Charles Reynolds was the youngest being only 51. The average was 56. The time was spent in pleasant conversation and incidentally the stirring times of 61 and 61 were alluded to. The ladies present were: Mrs. W. H. Love, Mrs. Wm. Kendall, Mrs. W. Sponsler, and Mrs. H. H. Bonham. Mr. Bonham and the writer were silent spectators but enjoyed the occasion just the same. The company left at 9 o'clock wishing Mr. Greenwald many more birthday anniversaries.